

**TENNESSEE REAL ESTATE COMMISSION
APPLICATION FOR DECISION REGARDING PRIOR CRIMINAL CONVICTION(S)
AND/OR DISCIPLINARY SANCTION(S)**

RETURN TO:

**Tennessee Real Estate Commission
500 James Robertson Parkway
Nashville TN 37243**

**Questions, call 1-800-342-4031
or 615-741-2273
fax # 615-741-0313**

Tennessee Code Annotated, Section 62-13-303 and Section 62-13-312 provide in part that the Commission may deny a license to an applicant who has a prior criminal conviction(s) and/or a disciplinary sanction(s) imposed by an occupational licensing body.

Have you taken the exam for licensure? ☐ Yes ☐ No (If yes, see a, if no, see b)

- a. You must answer all parts to this questionnaire and submit all required documentation. One of the letters of reference needs to be from your Principal Broker, on company letterhead, and must respond to all the questions on the Letter of Recommendation Form attached. Applicants with a felony conviction or a misdemeanor conviction involving the theft of money, property or services must appear before the Commission to be considered for licensure. If it is determined that you must appear before the Commission, your Principal Broker will need to accompany you. You will be contacted to schedule an appearance.
- b. You must answer all parts to this questionnaire and submit all required documentation. Because of the time and expense involved in becoming an applicant for licensure, the Commission affords an individual who has not yet become an applicant the opportunity to request that the Commission make a preliminary decision on the conviction(s) or the prior disciplinary sanction(s) before the individual takes the required education and examination for license. The purpose of a preliminary decision is merely to provide advisory guidance. However, the Commission may elect to allow a favorable preliminary decision to become its final decision without further investigation or hearing when the individual becomes an applicant for licensure. Applicants with a felony conviction or a misdemeanor conviction involving the theft of money, property or services must appear before the Commission to be considered for licensure. If it is determined that you must appear before the Commission, your Principal Broker will need to accompany you. You will be contacted to schedule an appearance.

REQUIRED ATTACHMENTS

1. An individual seeking a preliminary decision **must submit** to the Commission **a certified copy of the court disposition for the conviction(s) and/or a copy of the paperwork for disciplinary related sanctions imposed by another licensing regulatory authority. It must show the exact charge, judgment rendered, sentence or penalty and end of any probationary period. If you have been convicted of a felony, you must provide a current TBI Report. The cost is \$29.00 and the report may be secured by contacting the TBI at 615-744-4000 or www.tbi.state.tn.us**. If the court disposition is unavailable, you must provide a letter from the court stating that the documents are not available. An individual may also provide the Commission with any additional information that the individual believes may assist the Commission in rendering a preliminary decision.
2. Letters from three character references not related to you by birth or marriage. (See attached form). If a broker has agreed to hold your license, one of the three letters must be from that broker. Their letters should indicate (a) whether they are aware of your prior conviction or disciplinary action; (b) how long they have known you (c) how they know you (as a teacher, friend, work colleague, etc); (d) that they understand that you may be handling other people's money, may have access to confidential information, and may have access to other people's property; and (e) their estimation of your current reputation in the community. Use a copy of the attached Letter of Recommendation Form or place references on letterhead and use format of form.)

The Commission cannot begin its processing of your application until it receives all of the above items. The Commission will notify you of its decision when its investigative process is completed.

ALL APPLICANTS MUST COMPLETE THE FOLLOWING:

Name: _____

Address: _____

City: _____, **State:** _____, **Zip:** _____

Phone #: _____ **Best phone # to reach you:** _____

Date of Birth: _____

Social Security No.: _____

E-mail address: _____

Today's Date: _____

Type of License For Which You Are Applying:

☐ Affiliate Broker

☐ Broker

☐ Timeshare Salesperson

☐ Acquisition Agent

☐ Yes ☐ No Have you ever been convicted of, pled nolo contendere to, pled guilty to, or been granted first offender treatment upon being charged with any criminal offense(s) other than a traffic violation? (includes DUI)

☐ Yes ☐ No Have you ever been disciplined by any state or federal licensing agency or authority which regulates any profession? (Disciplinary actions include, but are not limited to, such actions as: a reprimand, a suspension, a revocation, a fine, or any restriction placed on your rights to operate as a licensee.)

☐ Yes ☐ No Are you more than two months behind in making any child support payments?

☐ Yes ☐ No Are you on probation? **(PLEASE NOTE: Rule 1260-1-.01 STATES NO PERSON SHALL BE ELIGIBLE FOR EXAMINATION OR BE CONSIDERED FOR LICENSURE UNLESS TWO (2) YEARS HAVE PASSED FROM THE DATE OF THE EXPIRATION OF PROBATION, PAROLE OR CONVICTION, OR FROM THE DATE OF RELEASE FROM INCARCERATION, WHICHEVER IS LATER IN TIME. THIS RESTRICTION SHALL APPLY TO ALL FELONIES, AND TO MISDEMEANORS WHICH INVOLVE THE THEFT OF MONEY, SERVICES, OR PROPERTY. AN APPLICANT WHO APPEARS BEFORE THE COMMISSION REQUESTING LICENSURE AND WHO IS DENIED WILL NOT BE ELIGIBLE FOR RECONSIDERATION FOR SIX (6) MONTHS FROM THE DATE OF THE DENIAL.**

IF YOU CHECKED YES TO ANY OF THE ABOVE QUESTIONS, YOU MUST COMPLETE THIS FORM IN ITS ENTIRETY AND SUBMIT SAME TO TREC WITH THE REQUIRED DOCUMENTATION. **If you have more than one conviction or disciplinary action, you must list each one separately and answer the following questions relative to each conviction/disciplinary action. Use additional sheets if necessary to respond fully and completely to each question and number your responses to the corresponding question.**

SECTION A

What was the exact charge(s) with which you were actually convicted?

Conviction 1: _____ Date of judgment _____
Sentence _____ Date probation ended _____

Conviction 2: _____ Date of judgment _____
Sentence _____ Date probation ended _____

Conviction 3: _____ Date of judgment _____
Sentence _____ Date probation ended _____

If you have been disciplined by any state or federal licensing agency or authority which regulates any profession, please complete this section. Attach a copy of your complaint and final disposition to this application.

Complaint 1: _____

Disposition: _____

Complaint 2: _____

Disposition: _____

In your own words, describe in detail what happened for each separate conviction or disciplinary action. Attach additional page(s) if necessary to thoroughly explain.

1. How old were you at the time of the conviction(s)/disciplinary action?

Conviction/Action 1: _____ Conviction/Action 2: _____ Conviction/Action 3: _____

2. Were any other parties involved? ☐ Yes ☐ No _____

3. Were any other parties harmed? ☐ Yes ☐ If so, how _____

4. What were the circumstances surrounding your conviction(s)/disciplinary action(s)? _____

5. What was your motivation for committing the unlawful act(s)?

6. Have you made all required restitution? ☐ Yes ☐ No (Charge 1) ☐ Yes ☐ No (Charge 2) ☐ Yes ☐ No (Charge 3)

7. Have you completed all the conditions of your sentence? ☐ Yes ☐ No (If no, give details)

8. What steps have you taken to prevent a recurrence of your unlawful act(s)? _____

9. List your work experience since the conviction/disciplinary action _____

10. Why do you think you should be granted a license in spite of the conviction(s)/disciplinary action(s)? _____

The undersigned applicant for preliminary decision by the Tennessee Real Estate Commission does hereby authorize representatives of the Commission to receive any criminal history record pertaining to the undersigned applicant which may be in the files of any federal, state, or local criminal justice agency. The undersigned applicant also certifies that all information given on this application is true, correct, and complete.

Applicant Signature

Date

LETTER OF RECOMMENDATION

(You need 3 character references not related to you by birth or marriage. If you have a Principal Broker, one reference must be from that Principal Broker.)

If individual, respond to the following questions on this form. If a company, respond to the questions by number on company letterhead.

TO: TENNESSEE REAL ESTATE COMMISSION

RE: License Application of: _____
(Applicant's Name)

1. How long have you known the applicant? _____
2. In what capacity? (teacher, friend, work colleague, etc) _____

3. Are you related by blood or marriage to the applicant? ☐Yes ☐No. If Yes, How?

4. What is your employment, business or profession? _____
5. How and when did you learn of the applicant's conviction? _____

6. Do you feel the applicant would be trustworthy in handling other people's money, having access to confidential information and access to other people's property? ☐ yes ☐ No
7. BROKER ONLY: If you are the broker who has agreed to hold the license of the applicant, if granted, you need to respond to questions a-c.
 - a. How long have you been a principal broker? _____
 - b. How may agents do you supervise? _____
 - c. Are you aware that you will be responsible for the actions of this applicant? ☐Yes ☐No

Your comments regarding this recommendation: (Include your estimation of the applicant's reputation in the community.) (Continue on back if desired)

Signature

Print Name (& Firm Name and license # if reference is from Principal Broker)